In the High Court of Punjab and Haryana at Chandigarh.

Regular Second Appeal No.3905 of 2006.

Date of decision:3.11.2006.

Baljit Singh.

...Appellant.

Versus

Kamlesh

...Respondent.

...

Coram: Hon'ble Mr. Justice S. N. Aggarwal.

...

Present: Mr.Sarbjeet Khairsa Advocate for the appellant.

...

Judgment

S. N. Aggarwal, J.

Baljit Singh appellant was married to Sham Dai on 8.11.1994. One daughter was born from this wed-lock on 6.1.1997. However, said Sham Dai separated from the appellant and she divorced the appellant by giving a writing in his favour. Thereafter, the appellant received a proposal from the parents of the respondent. The appellant along with his mother went to their house on 1.5.2003 to see the respondent. However, he was made to sit by the side of that girl. A photograph had been taken. The said girl i.e. the respondent was

mentally sick and, therefore, the appellant had come back from his house. No marriage of the appellant with the respondent had taken place. However, the appellant was informed by one Sukhjinder Singh Lamberdar of village appellant that a photograph of the appellant with the respondent about their marriage had appeared in Punjab Kesari on 21.9.2003. Accordingly, the appellant filed a suit for a declaration that the respondent was not his legally wedded wife and sought the relief of permanent injunction restraining the respondent from claiming herself to be the legally wedded wife of the appellant.

This suit was contested by the respondent. It was pleaded by her that the marriage of the parties had taken on 1.5.2003 and photographs were taken. Rs.50,000/- were paid to the appellant by her parents at the time of marriage. Even the parents of the appellant were happy. The photograph of married couple was published in Punjab Kesari. The respondent had stayed with the appellant for about five months as his wife but she was tortured by the appellant and his parents for demand of dowry. Therefore, the respondent was the legally wedded wife of the appellant.

Issues were framed.

The parties led the evidence.

The learned trial Court took the decision that the respondent was the legally wedded wife of the appellant and dismissed the suit vide judgment and decree dated 6.10.2005.

The appellant filed an appeal. The learned Lower Appellate Court up-held the findings of fact recorded by the learned trial Court and dismissed the appeal vide judgment and decree dated 16.5.2006.

Hence, the present appeal.

The submission of learned counsel for the appellant was that no marriage of the appellant with the respondent had taken place. Only one photograph was taken. Hence, it was prayed that the impugned judgment be set aside.

This submission has been considered. Both the Courts below have recorded concurrent finding of fact that the respondent was married with the appellant and,therefore, she was the legally wedded wife of the appellant. Even the photograph reveals that the appellant had garlanded the respondent.

Moreover, the respondent has examined Diwan Chand who has deposed that the marriage of the parties had taken place on 1.5.2003 and all the marriage ceremonies were performed according to Hindu rites i.e. seven rounds were taken by the parties around the sacred fire.

The Courts below have recorded concurrent findings of fact about the marriage of the parties and this Court finds no reason to disturb the said finding of fact which is based on evidence.

No substantial question of law arises.

No merit.

Dismissed.

November 3,2006. (S. N. Aggarwal)
Jaggi Judge